

REMARKS

The foregoing amendments and these remarks are in response to the Final Office Action dated April 9, 2008. Applicant hereby requests a two month Extension of Time. The Commissioner is hereby authorized to charge the necessary fees to Deposit Account No. 50-0951. A Request for Continued Examination (RCE) is also filed herewith.

At the time of the Office Action, claims 1-38, 54 and 55 were pending. In the Office Action, objections are raised to the claims for informalities. Claims 32 and 34 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-31 and 34-37 were rejected under 35 U.S.C. §102(b). Claims 1-3, 9-19, 21, 22, 25-31 and 35-37 were rejected under 35 U.S.C. §102(e). Claims 23, 24, 32-34, 38 54 and 55 were rejected under 35 U.S.C. §103(a). The objections and rejections are discussed in more detail below.

I. Informalities in Claim Amendments

In the Office Action, the Examiner commented that there were informalities in the previously made claim amendments. The use of both underlined text and double brackets was a typographical error that was corrected in the Supplemental Amendment filed February 27, 2008. Additionally, Applicants representative left a voicemail message for the examiner on April 21, 2008 regarding this comment, that was not returned. The rules for amending claims do not allow for single brackets, contrary to the statement in the Office Action. Rather, double brackets may be used in place of strikethrough for the deletion of five or fewer characters. See 37 CFR §1.121(b)(1)(ii) regarding amendments to the specification and §1.121(c)(2) regarding amendments to the claims. It is assumed that there is no specific objection to the claims, but if there is, withdrawal of such objection is requested.

II. Claim Rejections under 35 U.S.C. §112

Claims 32 and 34 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, in claim 32, element (ii), "by means of a screw" was asserted to be unclear and is amended herein to read "by means of a screw thread". Elements (v) and (vii) are also amended herein to replace "screw" with

"fastener". Claim 34 has been amended to incorporate the features of claim 1. Applicant has thus amended the claims in a manner believed to overcome the rejections. Withdrawal of the rejection is thus respectfully requested.

III. Rejections to the claims based upon Art

Claims 1-31 and 34-37 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,283,753 to Willoughby (hereafter "*Willoughby*"). Claims 1-3, 9-19, 21, 22, 25-31 and 35-37 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,619,958 to Beaty et al. ("*Beaty*"). Claims 32, 33 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Willoughby*. Claims 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaty*. Claims 32-34, 38, 54 and 55 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaty* in view of U.S. Patent No. 5,681,167 to Lazarof.

The prior art of *Willoughby* has already been discussed in response to the previous Office Action. Applicant believes that the most relevant part of *Willoughby* is in column 42 at line 40 *et seq* and Figures 25A-27B. The Office Action appears to be interpreting the implant analog 53 as an impression coping. However, this is not an accurate interpretation. For example, Figs 27A and 27B of *Willoughby* show the implant analog 53 (which is not an impression coping) and an impression coping 57 in a tray after removal from the mouth. The implant analog 53 is part of a replica comprising the spacer 55, implant analog 53, screw fastener and plastic tube 61. The dotted area is the impression material and the diagonally-hatched area is the stone mould.

Fundamentally, applicant does not think it proper for the examiner to treat the implant analog 53 of *Willoughby* as equivalent to the impression coping of the present claims. The person of ordinary skill in the art would understand their respective different purposes and constructional features. In particular, implant analog 53 has no retentive features at all, nor any means for orientation positioning in relation to the implant, these being essential for an impression coping to serve its intended purpose and understood by those in the art as inherent in the term "impression coping". Neither does the implant analog 53 have any means for fastening to the implant, let alone being able to replicate the position and orientation of the implant. Even if it were possible to make the implant analog 53 suitably compatible, applicant notes that the base 55 only has means for a snap-fit connection, not the screw-fit required for adequate stability. Stability is crucial

since the impression material placed in the tray is pushed over the impression copings with relatively significant force.

Nevertheless, it is also clear that the implant analog 53 does not comply with several features of the present claims, and so even if it could be interpreted to be analogous with an impression coping, it still does not teach all of the features recited in the present claims.

In particular:

- a. Figs 26B, 27A and 27B of *Willoughby* show a closed tray technique and indeed *Willoughby* is only capable of being used in a closed tray technique. In contrast, the applicant's claimed impression coping system is for use in either closed tray ("transfer type") or open tray ("pick-up") techniques. The *Willoughby* system is not "for use in pick up and transfer type impression moulding techniques. Furthermore, the extender 61 of *Willoughby* cannot "protrude through the impression material during pick up type impression moulding techniques".
- b. Contrary to the applicant's claim 1, it is not true to say that the implant analog 53 of *Willoughby* is "adapted to support an impression material". The implant analog 53 is embedded in the model 48, not in the impression material 56.

The Office Action also asserts that the claims lack novelty over *Beaty*. Applicant note that this patent is assigned to Implant Innovations Inc and has Lazzara as co-inventor. Objections based on a Lazzara/Implant Innovations Inc patent (US 6,290,499) which was cited in the international search report for the PCT application on which this US application is based have already been overcome, and *Beaty* relates to the same basic system as described in the earlier Lazzara patent.

Column 3, lines 5-11 of *Beaty* clearly states that the *Beaty* invention needs two different implant fasteners ("bolts") in order for one impression coping to be used for the two different types of impression techniques. See also Figures 9 and 10 and column 9 line 47 – column 11 line 2 which describe the two bolts ("pick up bolt 140" and "transfer bolt 150") and their respective usage.

In view of the foregoing remarks, Applicant believes that the present claims relate to patentable subject matter, nevertheless, in the interests of expeditious prosecution, Applicant has amended claims 1 and 34 herein to specify that the impression coping

system contains *not more than one* implant fastener. Such an amendment further distinguishes the claims from the cited prior art where different implant fasteners and copings are required for the different pick-up and transfer type techniques.

Thus, all claims are believed to be in condition for allowance, and prompt issuance of a Notice of Allowance is respectfully requested.

IV. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Date: 9/9/08

Respectfully submitted,



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